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| EXAMINER | |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/791,874 | HASHIMOTO ET AL. | |
| | Examiner | Art Unit | |
| | Nicholas D. Rosen | 3625 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *14 November 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,4-7,9-11,13-27,29,31 and 32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *31* is/are allowed.

6)☒ Claim(s) *1,4-7,9-11,13-27,29 and 32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 August 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

Claims 1, 4-7, 9-11, 13-27, 29, 31, and 32 have been examined.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 14, 2007, has been entered.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 5, 6, 7, 9, 10, 11, 14, 15, 16, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 4, 5, 6, 7, 9, 15, 16, and 17 are stated to depend on claim 3. Claims 10 and 14 depend on claim 9, and claim 11 depends on claim 10. However, claim 3 has been cancelled, leaving these claims, so to speak, hanging in the air. Claims 4, 5, 6, 7, 9, 15, 16, and 17 are treated for examination purposes as depending on claim 1, except that the statement of how the limitation of claim 3 was met by the primary reference is retained in the art rejections set forth below, as many later claims refer to this limitation.

Claim 4 recites the limitation "the contents storage unit" in the third line; claim 5 recites the limitation "the contents storage unit" in the second line; claim 6 recites the limitation "the contents storage unit" in the third line; claim 7 recites the limitation "the contents storage unit" in the third line; claim 11 recites the limitation "the contents storage unit" in the third line; claim 15 recites the limitation "the contents storage unit" in the third line; claim 16 recites the limitation "the contents storage unit" in the third line; and recites the limitation "the contents storage unit" in the fourth line. There is insufficient antecedent basis for this limitation in the claims; claim 3 provided antecedent basis, but has now been cancelled.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 is stated to depend on claim 12, which has been cancelled. Claim 13 is treated for examination purposes as depending on claim 1.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1, 4-7, 9-23, 27, 29, and 32**

Claims 1, 4, 5, 9, 16, 18, and 32; and 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari (U.S. Patent 6,957,205) in view of Gutierrez et al. (U.S. Patent Application Publication 2003/0046276), Hall et al. (U.S. Patent 6,767,211), and Douglis et al. (U.S. Patent 7,216,297). As per claim 1, Liongosari discloses a contents management apparatus that manages contents including a plurality of contents elements representing information to be provided to a user, comprising: a contents request acquiring unit that acquires contents request information from the user (column 13, line 65, through column 14, line 14); a contents element extracting unit that extracts the contents elements (column 12, lines 6-15; column 14, lines 26-37); and a contents restructuring unit that restructures new contents from the contents elements extracted (column 12, lines 6-15; column 14, lines 26-37). Liongosari does not disclose that the contents element extracting unit extracts the contents elements when the contents request information is acquired, but it is well known to extract content based on contents request information in response to acquiring contents request information, as taught, for example, by Gutierrez (Abstract and paragraph [0018]). Hence, it would have been obvious to one of ordinary skill in the

art of electronic commerce at the time of applicant's invention to extract the contents based on the request, for the obvious advantage, as in Gutierrez, of extracting the contents information in which a user is interested.

Liongosari does not disclose an education curriculum determining unit that receives the contents request and determines an education curriculum based on the information in the contents request, but Hall teaches determining an education curriculum based on information in a contents request, which requires receiving the contents request; Hall also implies extracting contents elements based on the education curriculum to be delivered to the user (column 3, line 59, through column 4, line 5; column 6, lines 6-19; column 6, line 61, through column 7, line 19; column 9, line 53, through column 10, line 6; Figures 2 and 3). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include such an education curriculum determining unit, and extract the contents elements based on the education curriculum, for the obvious and implied advantage of providing learners with the kind and level of training that they need.

Liongosari does not disclose that in forming the new contents, the contents restructuring unit selectively removes content elements previously viewed by the user, but Douglis teaches selectively removing content elements previously viewed by a user (Abstract; Figures 4 and 5; column 1, line 43, through column 2, line 55). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to selectively remove content elements previously viewed by the user, for at least the stated advantage of removing clutter.

As per claims 27 and 29, these are parallel to claim 1, and rejected on essentially the same grounds. Note further that Liongosari discloses a computer program and a medium storing the program (see claim 10 of Liongosari).

**As per cancelled claim 3**, Liongosari discloses a contents storage unit that stores the contents, wherein the contents element extracting unit extracts the contents elements from the contents stored in the contents storage unit (Figures 2 and 3; column 11, line 56, through column 12, line 15). **Although claim 3 has been cancelled, this disclosure of Liongosari is noted, because a number of other claims are stated to depend on claim 3, and recite a contents storage unit.**

As per claim 4, Liongosari does not disclose that the contents storage unit stores the contents elements in association with contents relevant information that is related with the contents elements, and the contents element extracting unit extracts the contents elements based on the contents relevant information, but Gutierrez discloses storing contents elements in association with contents relevant information that is related with the contents elements, and extracting contents elements based on the contents relevant information (paragraphs 8, 9, 46, and 50). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to thus utilize contents relevant information, for at least the stated advantage of ordering items likely to be more relevant to a user's search toward the top of a response list provided to the user.

As per claim 5, Liongosari discloses that the contents storage unit stores the contents elements in association with a genre of the contents elements, and the

contents element extracting unit extracts the elements based on the genres (column 12, line 48, through column line 25).

As per claim 9, Liongosari discloses acquiring user identification information that acquires user identification information for identifying the user to be provided with the contents (column 15, lines 19-46), and discloses the contents element extracting unit extracting the contents elements based on user relevant information (column 13, line 65, through column 14, line 14). Liongosari does not expressly disclose extracting the contents elements based on user relevant information that is related with the user identification information acquired, but this is obvious for at least the advantage of transmitting notices of updated information to the user who requested them without clogging the in boxes of, potentially, many other users with different interests.

As per claim 16, Liongosari necessarily implies that the contents elements are stored in association with a creating date, and discloses extracting the contents elements based on the creating date (column 23, lines 58-67).

As per claim 18, Liongosari discloses acquiring specification information representing contents elements to be included in the contents that are restructured by the contents restructuring unit from the user, wherein the contents extracting unit extracts the contents elements specified by the specification information acquired (column 13, line 65, through column 14, line 25).

As per claim 32, Liongosari discloses a database with a plurality of items having a hierarchy structure, each item being associated at least one contents element (column 14, lines 15-25 and 51-63; column 16, lines 5-10; Figure 10). Hence, it would have

been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the education curriculum determining unit to determine necessary learning items from a contents database having such a hierarchy structure, each learning item being associated with at least one of the contents elements, for at least the obvious advantage of enabling relevant learning items to be readily located and comprehensibly displayed.

As set forth above regarding claim 1, Gutierrez (Abstract and paragraph [0018]) teaches extracting desired content, making it obvious to extract the content elements associated with the necessary learning items in particular.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari, Gutierrez, Hall, and Douglis as applied to claim 1 above, and further in view of Uesaka (U.S. Patent Application Publication 2003/0033304). Liongosari does not disclose that the contents storage unit stores the contents elements in association with a level of importance of the contents elements, and the contents extracting unit extracts the contents elements based on the level of importance, but Uesaka teaches storing contents elements in accordance with a level of importance, and extracting the contents elements based on the level of importance (paragraphs 10 and 42). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to thus store and extract content elements, for the obvious and implied advantage of preferentially presenting important information to users.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari, Gutierrez, Hall, and Douglis as applied to claim 1 above, and further in view

of Nishino et al. (U.S. Patent Application Publication 2003/0033333). Liongosari does not disclose that the contents storage unit stores the contents elements in association with a level of popularity of the contents, and the contents extracting unit extracts the contents elements based on the level of popularity, but Nishino teaches storing contents elements in accordance with a level of popularity, and extracting the contents elements based on the level of popularity (paragraphs 9, 102, 103, 105, and 107). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to thus store and extract content elements, for the stated advantage of gathering documents on hot topics (paragraphs 4-6 and 9-11).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari, Gutierrez, Hall, and Douglis as applied to claim 9 above, and further in view of the anonymous article, "Tcert Unveils Edapt; e-Learning Platform with a Brain," hereinafter "Tcert." Liongosari does not disclose extracting the contents elements based on a learning level of the user corresponding to the user identification information, but "Tcert" teaches transforming contents elements related to learning into a course optimized for a student's level of learning (entire article, especially the paragraph beginning, "The Edapt™ system transforms"), implying extracting contents based on the learning level of the user so as to transform them appropriately. (Hall, as above, also teaches transforming contents elements related to learning into a course optimized for a student's level of learning, implying extracting contents based on the learning level of the user so as to transform them appropriately). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention to extract the contents elements based on a learning level of the user corresponding to the user identification information, to achieve the stated advantage of individualizing courses.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari, Gutierrez, Hall, Douglis, and "Tcert" as applied to claim 10 above, and further in view of Yoneda (U.S. Patent 6,880,008). Liongosari discloses updating contents and monitoring sources for updates (column 13, line 65, through column 14, line 7), but does not disclose storing the contents elements in association with an updating date of the contents elements, and extracting the contents based on the updating date. However, it is well known to store the updating dates of content elements, and extract contents elements (e.g., files in a database) based on their updating dates, as is taught, for example, by Yoneda (Abstract). (One might be interested in recent advances, as in Liongosari [column 23, lines 58-67], or in the most recent version of a file, or, for patent purposes, versions showing an element to have been known or disclosed before a given date.) Liongosari does not expressly disclose a providing date as such, but Liongosari's disclosure of monitoring for updates and generating notices of updates implies extracting elements based on providing dates, without which it would not be known whether updates were new to the user or not. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store the updating dates of contents, and extract the contents based on the updating date and a providing date when

contents had been previously provided, for the obvious advantage of achieving one or more of the purposes mentioned.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari, Gutierrez, Hall, and Douglis as applied to claim 1 above, and further in view of Ariyoshi (U.S. Patent 6,408,288). Liongosari discloses providing the contents to the user (column 14, lines 8-14; column 16, line 11, through column 17, line 2; etc.). Liongasari does not disclose an evaluation acquiring unit that acquires an evaluation of the contents elements from the user who used the contents, and an updating unit that updates contents element relevant information that is related with the contents elements based on the evaluations acquired, but it is well known to acquire user evaluations of content elements and update contents element relevant information based on the evaluations acquired, as taught, for example, by Ariyoshi (column 6, line 65, through column 7, line 19; column 8, line 66, through column 9, line 6; column 10, lines 1-20; column 12, lines 31-42). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to acquire evaluations of contents, and contents element relevant information based on the evaluations acquired, for the stated advantage of presenting more relevant information to users in future.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari, Gutierrez, Hall, and Douglis as applied to claim 9 above, and further in view of Buczak et al. (U.S. Patent Application Publication 2003/0126606). Liongosari does not disclose a storing unit that stores the user identification information and the user

relevant information corresponding to each other, but it is well known for storage units to store identification information and relevant information about the persons identified corresponding to each other, as taught, for example, by Buczak (paragraph 52). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have such a storage unit, for the obvious advantage of readily accomplishing Liongosari's disclosed feature of transmitting desired information to the users who have requested updates of that information.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari, Gutierrez, Hall, and Douglis as applied to claim 1 above, and further in view of Yoneda (U.S. Patent 6,880,008). Liongosari discloses updating contents (column 13, line 65, through column 14, line 7), but does not disclose storing the contents elements in association with an updating date of the contents elements, and extracting the contents based on the updating date. However, it is well known to store the updating dates of content elements, and extract contents elements (e.g., files in a database) based on their updating dates, as is taught, for example, by Yoneda (Abstract). (One might be interested in recent advances, as in Liongosari [column 23, lines 58-67], or in the most recent version of a file, or, for patent purposes, versions showing an element to have been known or disclosed before a given date.) Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store the updating dates of contents, and extract the contents based on the updating date, for the obvious advantage of achieving one or more of the purposes mentioned.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari, Gutierrez, Hall, and Douglis as applied to claim 1 above, and further in view of Yoneda (U.S. Patent Application Publication 2006/0031629). Liongosari does not disclose that the contents storage unit stores the contents elements in association with a playing time of the contents elements, and the contents element extracting unit extracts the contents elements based on the playing time and a total playing time of the contents to be structured, but Yoneda teaches that contents elements include at least one of moving image data and sound data, the contents elements are stored in association with a playing time of the contents elements, and the contents elements are extracted based on the playing time and a total playing time (Abstract; paragraphs 8-19). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the contents elements to be stored and extracted thus, for the implied and obvious advantage of assuring that content elements being added to a restructured collection of content elements are compatible with the total playing time available.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari, Gutierrez, Hall, and Douglis as applied to claim 1 above, and further in view of Timmer (U.S. Patent Application Publication 2002/0107895). Liongosari does not expressly disclose that the contents restructuring unit restructures the contents elements based on a predetermined structuring order, but it is well known to structure elements based on a predetermined structuring order (alphabetical order, chronological order, the hierarchy of a tree structure, basic lessons before advanced lessons, etc.), as

taught, for example, by Timmer (paragraph 30). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to restructure the contents elements based on a predetermined structuring order, for at least the obvious advantage of making the elements readily accessible and usable.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari, Gutierrez, Hall, and Douglis as applied to claim 1 above, and further in view of the anonymous article, "Tcert Unveils Edapt; e-Learning Platform with a Brain," hereinafter "Tcert." Liongosari does not disclose that the contents elements represent contents related to learning, and when the contents elements are corresponding to a level of the learning, the contents restructuring unit restructures the contents elements based on the level of the learning, but "Tcert" teaches transforming contents related to learning into a course optimized for a student's level of learning (entire article, especially the paragraph beginning, "The Edapt™ system transforms"). (Hall also teaches selecting contents elements related to learning, and selected based on the level of learning.) Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the contents elements represent contents related to learning, and when the contents elements are corresponding to a level of the learning, to have the contents restructuring unit restructure the contents elements based on the level of the learning, for the stated advantage of producing a personal tutorial optimized for each student's learning style and expertise level.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari, Gutierrez, Hall, and Douglis as applied to claim 1 above, and further in view of Grzesczuk et al. (U.S. Patent 6,677,957). Liongosari does not disclose a similarity determining unit that determines similarity between the contents elements, wherein upon determination that two predetermined contents elements are similar, the contents restructuring unit includes only one of the two contents elements in the new contents. However, it is well known to determine the similarity of potential content elements, and include only one of two sufficiently similar elements, as taught, for example, by Grzesczuk (column 4, lines 14-33). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include a similarity determining unit, as recited, for the stated advantage of reducing the needed memory or bandwidth, and the obvious advantage of not taking up users' time with redundant content.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari, Gutierrez, Hall, and Douglis as applied to claim 1 above, and further in view of Shimizu et al. (U.S. Patent 2003/0191798). Liongosari does not disclose an accounting unit that collects billing information when the contents elements included in the new contents are related with the billing information, but it is well known to have accounting units collect billing information, as taught, for example, by Shimizu (paragraph 185; Figure 2). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have such an accounting unit collecting billing information, for such obvious advantages as charging

users in accordance with their usage of content and/or extracting and restructuring services, and paying royalties to content providers.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari, Gutierrez, Hall, and Douglis as applied to claim 1 above, and further in view of Moskowitz et al. (U.S. Patent Application Publication 2003/0041064). Liongosari discloses meta contents description information related with the content elements, and inter-contents information representing relations between the contents elements (column 12, line 42, through column 13, line 18; column 16, line 11, through column 17, line 2). Liongosari does not disclose that the contents include lecture contents having at least one of moving image data, sound data, and still image data, but lecture contents having at least some of these kinds of data are well known, as taught, for example, by Moskowitz (Abstract; paragraphs 18, 19, and 43). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have such lecture data, for the obvious and implied advantage of aiding users in distance learning.

**Claims 24, 25, and 26**

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari (U.S. Patent 6,957,205) in view of Gutierrez et al. (U.S. Patent Application Publication 2003/0046276), Hall et al. (U.S. Patent 6,767,211), and Douglis et al. (U.S. Patent 7,216,297). As per claim 24, Liongosari discloses a contents management system comprising: a contents management apparatus that manages

contents including a plurality of contents elements representing information to be provided to a user; and a contents providing apparatus that provides the contents to the user, wherein the contents providing apparatus includes: a contents request acquiring unit that acquires contents request information from the user (column 13, line 65, through column 14, line 14); a contents element extracting unit that extracts the contents elements (column 12, lines 6-15; column 14, lines 26-37); a contents restructuring unit that restructures new contents from the contents elements extracted (column 12, lines 6-15; column 14, lines 26-37); and a contents providing unit that provides the new contents to the user (Figures 2, 3, and 5; column 11, lines 36-44; column 11, line 56, through column 12, line 24; column 12, line 42, through column 13, line 7; column 13, lines 26-40; column 14, lines 10-14). Liongosari further discloses that the contents management apparatus includes a contents storage unit that stores a plurality of contents from which the contents extracting unit of the contents providing apparatus extracts the contents elements (Figures 2 and 3; column 11, line 56, through column 12, line 24); and that the contents management apparatus and the contents providing apparatus communicate with each other via a network (Figures 2 and 3; column 11, line 56, through column 12, line 24). Liongosari does not disclose that the contents element extracting unit extracts the contents elements when the contents request information is acquired, but it is well known to extract content based on contents request information in response to acquiring contents request information, as taught, for example, by Gutierrez (Abstract and paragraph [0018]). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention to extract the contents based on the request, for the obvious advantage, as in Gutierrez, of extracting the contents information in which a user is interested.

Liongosari does not disclose an education curriculum determining unit that receives the contents request and determines an education curriculum based on the information in the contents request, but Hall teaches determining an education curriculum based on information in a contents request, which requires receiving the contents request; Hall also implies extracting contents elements based on the education curriculum to be delivered to the user (column 3, line 59, through column 4, line 5; column 6, lines 6-19; column 6, line 61, through column 7, line 19; column 9, line 53, through column 10, line 6; Figures 2 and 3). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include such an education curriculum determining unit, and extract the contents elements based on the education curriculum, for the obvious and implied advantage of providing learners with the kind and level of training that they need.

Liongosari does not disclose that in forming the new contents, the contents restructuring unit selectively removes content elements previously viewed by the user, but Douglis teaches selectively removing content elements previously viewed by a user (Abstract; Figures 4 and 5; column 1, line 43, through column 2, line 55). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to selectively remove content elements previously viewed by the user, for at least the stated advantage of removing clutter.

As per claim 25, Liongosari discloses that the contents providing apparatus further includes a user information storage unit that stores user relevant information about the user to whom the contents are provided, and that the contents element extracting unit extracts the contents elements based on the user relevant information stored in the user information storage unit (inherent from column 14, lines 8-14; column 15, lines 19-46).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari (U.S. Patent 6,957,205) in view of Gutierrez et al. (U.S. Patent Application Publication 2003/0046276) and Hall et al. (U.S. Patent 6,767,211). Claim 26 is essentially equivalent to claim 24 with claim 25 incorporated into it, and therefore rejected on the grounds set forth above for claims 24 and 25. Claim 26 additionally recites an output unit that outputs the contents acquired from the contents providing apparatus via a network, which Liongosari discloses (Figures 2, 3, and 5; column 11, lines 36-44; column 11, line 56, through column 12, line 24; column 12, line 42, through column 13, line 7; column 13, lines 26-40; column 14, lines 10-14).

***Allowable Subject Matter***

Claim 31 is allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Liongosari (U.S. Patent 6,957,205), discloses a contents management apparatus that manages contents including a plurality of contents elements representing information to be provided to a user, comprising: a contents

request acquiring unit that acquires contents request information from the user (column 13, line 65, through column 14, line 14); a contents element extracting unit that extracts the contents elements (column 12, lines 6-15; column 14, lines 26-37); and a contents restructuring unit that restructures new contents from the contents elements extracted (column 12, lines 6-15; column 14, lines 26-37). Liongosari does not disclose that the contents element extracting unit extracts the contents elements when the contents request information is acquired, but it is well known to extract content based on contents request information in response to acquiring contents request information, as taught, for example, by Gutierrez et al. (U.S. Patent Application Publication 2003/0046276) (Abstract and paragraph [0018]). Liongosari does not disclose an education curriculum determining unit that receives the contents request and determines an education curriculum based on the information in the contents request, but Hall et al. (U.S. Patent 6,767,211) teaches determining an education curriculum based on information in a contents request, which requires receiving the contents request; Hall also implies extracting contents elements based on the education curriculum to be delivered to the user (column 3, line 59, through column 4, line 5; column 6, lines 6-19; column 6, line 61, through column 7, line 19; column 9, line 53, through column 10, line 6; Figures 2 and 3). However, neither Liongosari, Gutierrez, nor Hall discloses that the contents elements include information on lecturers, the contents storage unit stores the contents elements in association with popularity of the lecturers, and the contents extracting unit extracts the contents elements based on the popularity. It is known for information on the popularity of lecturers to be stored, and for students and other people to make

decisions on the basis of this popularity information, as taught, for example, in Vissering ("San Diego State U.: Rating Sites Give Professor Previews"), but this is not a contents management apparatus, extracting contents based on the popularity. Ariyoshi (U.S. Patent 6,408,288) discloses user evaluations of content materials, but not lecturers. No prior art of record discloses or reasonably suggests that the contents storage unit stores the contents elements in association with popularity of the lecturers, and the contents extracting unit extracts the contents elements based on the popularity.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

Applicant's arguments filed November 14, 2007, have been fully considered but they are not persuasive, as well as mooted in part by the new art applied. Applicant argues that Hall specifically teaches that elements of the education curriculum are to be repeated for reinforcing purposes instead of being removed after having been viewed by the user (column 4, lines 31-35). Examiner replies that what the Hall patent actually contains at this point is the sentence, "Reinforcement of completed learning will be occasionally spiraled or reintroduced into the training to optimize the impact on embedded behavior and therefore the return on learning investment." Examiner maintains that this does not teach away from selectively removing content elements

previously viewed by the user. For example, after a user has completed Lesson 3, a contents management apparatus could remove Lesson 3, but Lesson 10 could review the topic taught in Lesson 3, or require the user to use the technique taught in Lesson 3 to solve the more advanced problems of Lesson 10, and provide an example of doing so. Thus, Hall does not teach away from meeting the new limitation so as to make it unreasonable to combine the already applied prior art with the teaching of Douglis (or Aoki, or any other prior art teaching the removal of previously viewed content elements).

The Manual of Patent Examination Procedure (2144.03 (C)) states, in regard to traversal of Official Notice:

> C. If Applicant Challenges a Factual Assertion as Not Properly Officially Noticed or not Properly Based Upon Common Knowledge, the Examiner Must Support the Finding with Adequate Evidence.
>
> To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also Chevenard, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."). A general allegation that the claims define a patentable invention without reference to the examiner's assertion of official notice would be inadequate.

Examiner maintains that Applicant's one sentence traversal, "The official notices are respectfully traversed," fails to meet the standard of adequacy. Nonetheless, to avoid any appearance of failing to provide requisite documentation, Examiner has made of record and relied upon prior art references explicitly teaching the elements for which official notice was used in the previous Office action.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aoki et al. (U.S. Patent Application Publication 2002/0071649) disclose a moving picture processing method and apparatus, with the feature of stopping video output of contents already viewed by the user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas D. Rosen

NICHOLAS D. ROSEN
PRIMARY EXAMINER

January 9, 2008